

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:14-CR-72-D-1

UNITED STATES OF AMERICA

v.

KELVIN MELTON,

Defendant.

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ORDER

On June 23, 2014, Kelvin Melton (“Melton” or “defendant”) filed a motion to vacate special administrative measures and challenged the constitutionality of such measures. See [D.E. 133]. On July 21, 2014, the government responded in opposition. See [D.E. 168].

The Attorney General properly approved the special administrative measures. See 28 C.F.R. § 501.3; [D.E. 133-1]. Moreover, Melton failed to exhaust available administrative remedies before filing the motion to vacate. See 28 C.F.R. § 501.3(e). Accordingly, the court DISMISSES the motion [D.E. 133] without prejudice for failure to exhaust administrative remedies. See, e.g., 42 U.S.C. § 1997e(a); Jones v. Bock, 549 U.S. 199, 211 (2007); Woodford v. Ngo, 548 U.S. 81, 84–85 (2006); Porter v. Nussle, 534 U.S. 516, 524–25, 532 (2002); Booth v. Churner, 532 U.S. 731, 741 (2001); Yousef v. Reno, 254 F.3d 1214, 1221–22 (10th Cir. 2001); United States v. Ali, 396 F. Supp. 2d 703, 705–08 (E.D. Va. 2005); Al-Owhali v. Ashcroft, 279 F. Supp. 2d 13, 17 n.5 (D.D.C. 2003); United States v. Al-Marri, 239 F. Supp. 2d 366, 367–68 (S.D.N.Y. 2002).

SO ORDERED. This ~~24~~ day of July 2014.


JAMES C. DEVER III
Chief United States District Judge